

ADDRESS
TO THE
PEOPLE OF NEW-JERSEY;
RELATIVE TO
A
BRIDGE OVER THE DELAWARE RIVER
AT
TRENTON
AND
A RAIL-ROAD FROM TRENTON
TO
NEW-BRUNSWICK:

NEW-JERSEY;
DECEMBER, 1834.



TO THE PEOPLE OF NEW-JERSEY.

When a citizen of New-Jersey, who is attached to her people, her laws, and her institutions, who loves his native State for her early patriotism and her present fame, believes that a fatal blow is aimed at her prosperity ; it is his duty to “cry aloud,” and it will prove one of his proudest recollections, if this effort shall awaken the people to a sense of their danger.—

There are now pending before the Legislature of New-Jersey, two Bills of the utmost importance to every man who values the present interest and future welfare of this State:—The *first* is a Bill to authorize the construction of a Bridge across the Delaware River, from Morrisville to Trenton, over which, the Philadelphia and Trenton Rail-Road Company may be enabled to extend their operations to Trenton:—The *second* is to permit the Trenton and New-Brunswick Turnpike Company to extend their Turnpike Road from the upper end of Trenton, where it now commences, down through the City of Trenton to the Delaware River, opposite Morrisville, and to transport goods and passengers from Trenton to New-Brunswick ; and as these two applications act in concert, their united object stripped of all disguise, is to authorize a Rail-Road to be constructed which shall unite with the Philadelphia and Trenton Rail-Road at Trenton, and with the New-Jersey Rail-Road at New-Brunswick, and thus form a continuous Rail-Road from Philadelphia to New-York, for the conveyance of goods and passengers to and from those cities.—*This application is fraught with danger to New-Jersey*:—It is made by certain citizens of Philadelphia and New-York, who own stock in the Rail-Road or Turnpike above spoken of ; their claim to relief from a New-Jersey Legislature, shall be examined. It is not founded in law, equity, or good conscience.—Its success will seal our dishonor ; destroy vested rights, and violate the plighted faith of a Sovereign State.

The people have heard much of the great works of Internal Improvement which now traverse New-Jersey, and which are no less creditable to her character as a State, than advantageous to her public Treasury.

They have heard of the Delaware and Raritan Canal, and of the Camden and Amboy Rail-Road; they have also heard no doubt, of the bitter spirit of persecution which has been manifested at the suggestion of *foreigners* who had rival projects on hand to retard the completion, and destroy the usefulness of these great works; they have heard that they were *Monopolies*, and their fears have been aroused lest the gigantic power would usurp *the right of way*, and destroy our independance as a people. To enter minutely into the laws, by which these companies exist, and to review the course by which they have arrived at their present state, might be tedious.—I pass over that, and would deliberately ask the people of New-Jersey if they know what actual advantages we are at this moment enjoying from these works? If they know what amount of money is flowing into our State Treasury from them? By a provision in the charter of each company, the State is to be paid a certain sum for every ton of merchandize, and every passenger that is carried across the road, or through the canal: at a subsequent day, an act passed, uniting these two companies as one, but in no degree lessening their liability to the State; in this act, commonly called the Marriage Act, was created a regular contract, absolute in its terms, legal in its conception, and founded upon a sufficient consideration, by which the State of New-Jersey engaged on her part, to protect these companies, for a stipulated price, and for a certain period. She fore-saw that millions of money were to be expended by these companies in the construction of their Canal and Rail-Road: She knew that the Canal System was of doubtful result, and a hazard at best. She knew that Rail-Roads were yet in their infancy, and might prove a total failure: It was just and equitable then, that New-Jersey should protect these sons of her own soil, from ruinous competition and mad speculation; while they tried what their united efforts could accomplish in the construction of those monuments, which, if reared successfully, would stand forth the proud and enduring memorials of private enterprise and state pride:—But for this protection, there was a price paid, a guarantee was solemnly entered into by these companies, which was this; that if the per-centage for merchandize and passengers across the State, secured by law, should not amount to \$30,000, that the Companies would pay the deficiency; that is, that New-Jersey, from the moment the Companies began to use the Road, *should receive \$30,000 per annum*. It was correctly supposed that in the commencement of these works, the transit duties would be small, and not content with claiming at the hands of the Companies, this amount, and this alone,

as originally provided, the Legislature of 1832, required a *further price to be paid, for protection*. Now let us examine the Documents, to ascertain what New-Jersey has received for that protection, in addition to this guarantee of \$50,000. By the same Law of 1832, the State of New-Jersey received one thousand shares of the joint Stock of these Companies in addition to those already given her, making 2000 shares in all from these Companies, in lieu of the right of the State to subscribe to a portion of the Stock; so that New-Jersey now has in the hands of her Treasurer, Mr. Parker, certificates for 2000 shares of these Companies' Stock, worth at the lowest estimate, 200,000 *dollars*. Since the act of 1832 passed, New-Jersey has actually received from these Companies, for transit duties and dividends, the sum of \$42,108.55 in Cash! and on the first day of January, 1835, she will be entitled to the further sum of \$30,000, making in all, the sum of about \$72,000, which she has received in the course of less than three years, from these Companies: But it may be asked why have not the people *felt* these receipts, in the reduction of their taxes; we answer, they have been saved from *enormous taxation*, by these very receipts.

No. 2.

To prove that the People of New-Jersey have been saved from enormous taxation, by the receipts into their Treasury, of the money thus paid, it will be only necessary to call their attention to the fact that we are now building a new State Prison; this work was commenced in 1832, and has cost up to this period, about 85,000 *dollars*. From whence has come this money? The building has been very expensive, and yet where has been the man, who, in consequence of it, has been compelled to pay more tax; the simple reason has been because the money received from this *Monopoly*, has been taken, and the money of the people has been left in their pockets.—But reverse this picture—it is said to be a bad rule that will not work both ways; suppose the State Prison was now being erected and we had no income from works of Internal Improvement; where would the money come from? How would it be raised? It would come of course, from the people, *it would be raised by taxation!!* and yet we are told that this *Monopoly* should be put down?—

But we have shown that these Companies have guaranteed that the State shall always receive *at least thirty thousand dollars*—but let us not be misunderstood; the State of New-Jersey under this contract, can never receive *less than thirty thousand dollars*. She may, and will receive in the course

of a few years much more. When the Delaware and Raritan Canal shall be in full operation, and the Camden and Amboy Rail-Road shall be finished to Camden, which will be in the course of a few weeks,* they will command a business, and yield a revenue fully equal to the most sanguine hopes of their friends. It is difficult indeed to imagine the extent of tonnage, and number of passengers, which from year to year will be borne over these great works, in the rapid transitions of commercial enterprise; the man of business, with thoughts intent upon gain, the invalid in quest of health, the idler or the voluptuary, will unite in their admiration of that modern Invention by which, time may almost be cheated of his countless hours, and toil and fatigue be forgotten, or, remembered only, to mark the shortness of their duration.

No. 3.

But there are other views of this matter, which to the citizens of New-Jersey, address themselves with peculiar force:—It has been already seen, that our State derives from these works an annual revenue; that she owns 2000 shares of stock in them, for which she paid not a cent; but in addition to all that, it is provided by law, that New-Jersey, at the end of a given period, *may*, if her Legislature choose, become the sole owner of these works, herself! It is then proper, most assuredly, that she should *take care of herself!* Will she be mad enough to make a rival road which is to destroy *her own* interest? lessen *her own* revenue? injure *her own* prosperity? impoverish *her own* people? She now receives for her annual revenue \$30,000; this sum is almost sufficient to defray the amount annually raised for the State government expenses, and the appropriation to the School Fund, which together, have been for several years \$40,000, and raised by taxation. If we had no State Prison to build, and could apply this annual revenue to the payment of our State expenses, our yearly tax would now be \$10,000, instead of \$40,000! So much for Monopoly:—But the State Prison will be soon finished; then this fund will be applied to relieve the people of Taxation;—Shall we throw it away then? Before the close of the year, which is fast approaching, the annual receipts from these works will, in all human probability, exceed \$40,000, more than enough to pay our whole State Tax; the balance can be applied to our valuable School Fund, and enable us to increase that inestimable blessing, to diffuse the means of intelligence throughout our State, to carry the light of Ed-

* It has been finished since the above was written.

ucation into every corner of New-Jersey, to raise the standard of morality by scattering abroad the seeds of virtue and truth. Friends of the School Fund! Patrons of Education, Religion, Morality and Virtue, shall this Fund be cut off? What say *you* as citizens of New-Jersey? Shall unwise Legislation snatch this inestimable blessing from our grasp? These, fellow citizens, are plain facts; the interest of New-Jersey must be guarded, public opinion must be *heard* and *felt*; can they be friends to the *true* interests of New-Jersey, who will advise her to throw away this glorious opportunity of filling her coffers, and relieving her citizens from taxation?—this mode, by which the rich may be taught that property is not a burthen, and the poor man be sent with a lighter heart to his humble home, with the consolation, that the voice of the tax-gatherer is no more heard in the Land?

No. 4.

But we have said that New-Jersey entered into “*a contract*” with these Companies, and we have shown what that contract was; all that she gave for her 2000 shares of Stock, her annual revenue of \$30,000, and her right to buy, is to be found in the following extracts.

1. “It shall not be lawful at any time during the said Rail-Road Charter, to construct any other Rail-Road or Rail-Roads in this State, without the consent of the said Companies, *which shall be intended or used for the transportation of passengers or merchandize between the Cities of New-York and Philadelphia, or to compete in business with the Rail-Road authorized by the act to which this Supplement is relative.*”—Law of 1832, Sec. 2. Harrison’s Comp. 374.

2. “If the State of New-Jersey shall authorise the construction of any other Rail-Road *for the transportation of passengers across this State, from New-York to Philadelphia*, which road shall be constructed and used, and which shall commence and terminate within three miles of the commencement and termination of the said roads, authorised by this act, *then the payment of the said ten cents for each passenger, and fifteen cents for each ton of merchandise, shall cease; and the said Company is hereby exonerated from the payment thereof.*”—R. R. Law of 1830, Sec. 24. Harrison’s Compilation, 292.

3. “That when any other Rail-Road or Roads *for the transportation of passengers and property between New-York and Philadelphia, across this State*, shall be constructed and used for that purpose, under or by virtue of any Law of this State or the United States, authorising or recognising said


road, that then, and in that case, *the said dividends shall be no longer payable to the State; and the said Stock shall be re-transferred to the Company by the Treasurer of this State.*"

R. R. Law of 1831, Sec. 6. Harrison's Comp. 332.

Here, then, is the contract of New-Jersey, and the penalty. If the Legislature violate that contract, the State loses her Stock, and with it, \$30,000 per annum! Under such circumstances, we seek to show what is her plain policy and true interest. As a citizen of New-Jersey, who has to pay tax, in common with all others, I feel that this is a grave and important question to all that contribute to support the government. Having that interest in the question, I proceed to examine it:—

No. 5.

It is too late to discuss the wisdom or folly of a Legislative grant of exclusive privileges;—the act is passed—the contract is made;—be it wise or foolish, we are bound to adhere to it. From that contract, New-Jersey is made richer by the receipt of \$200,000 in Stock—by an annual revenue of \$30,000. She is thus enabled to pay her State Prison debt, and not tax her citizens. She can anticipate the near approach of the period, when it will pay all her taxes, and leave a balance for Education, Internal Improvement and other useful objects. But in the midst of this prosperity—in the outset of this proud career, she is asked to pause—to stop. Her Halls of Legislation are beset by strangers to her soil, her interests and her fame! Petitioners from New-York and Pennsylvania meeting here, lay upon this common altar, their petitions for relief. *They* ask the State of New-Jersey to violate her contract; they seek authority to construct a Bridge and a Rail-Road, on which to carry passengers to and from New-York and Philadelphia. The Statute Law of the State is pointed out for their perusal—the seal of her public faith is shown them. *They* laugh at the force of a Statute Law, and disregard her seal—regardless alike of the plighted faith of a Sovereign State, her promises of protection, or her private interest and policy, *they* seek the violation of all! *They* tell her Legislature to throw away our 2000 shares of Stock, as tho' money was indeed "the root of evil." *They* beg that her annual revenue should be cut off as of no importance whatever! Are the People of New-Jersey prepared for this desolating blow? Are *they* ready to release these Companies from their obligations? Are *they* content that their Treasurer "shall re-transfer the Stock?" Is the Legislature of

New-Jersey ready to meet this responsibility? We have these Companies bound,—the bargain is profitable to New-Jersey—it is hard upon them—why let them free? Nothing could be more fatal than such an act, to the vital interests of New-Jersey! And what do these petitioners offer as an equivalent? What do they propose to render in return? What will they *pay* for this great sacrifice? Having adopted the broad maxim that a State, (as well as individuals,) has “a price,” and can be bought, these petitioners carry it out in their bill; and their liberal offer is this: “That if the Trenton and New-Brunswick Turnpike Company shall construct a Rail-Road, &c., satisfactory security shall be given to the State, that the sum of \$36,000 shall become payable, annually, in transit duties from  the said Turnpike Company, the Delaware and Raritan Canal, and Camden and Amboy Rail-Road and Transportation Companies, and the New-Jersey Rail-Road and Transportation Company,” &c. Such is the law they have presented to the Legislature. There are two striking facts connected with this “price.”

1st. It is proposed by these liberal gentlemen, that New-Jersey, from the passage of their Law, shall receive henceforth and forever, *Thirty-Six Thousand Dollars!*—and no more! 2d. That this *Thirty-Six Thousand Dollars* shall be made up to the State, from *three* different Companies!—Here, then, we meet and expose the utter fallacy of these *liberal* gentlemen. The State of New-Jersey, by her present contract, is to receive \$30,000, with a chance, nay, an absolute certainty, of 40, 50, or even \$60,000 per annum! These *new* contractors desire her to break that bargain, and bind herself to take \$36,000, and to be limited to that, forever! But again—She now receives \$30,000 from *one* Company. *They* ask her to take \$36,000 from *three* Companies! But waving the effrontery of this proposition, let us inquire, *by what authority*, these gentlemen from New-York and Philadelphia, take into their keeping, the “Delaware & Raritan Canal Company, and the Camden and Amboy Rail-Road Company, and the New-Jersey Rail-Road Company,” and seek to thrust them into this bargain and sale? It is an insult to the intelligence of the Legislature, to make them such an offer. It is an outrage upon the People of New-Jersey, to suppose they will ever consent to violate a solemn and existing contract, to which she has plighted her solemn faith and honor—from which she cannot shrink without being degraded as a State, and with which, her advance to wealth, will be rapid and certain.

But these petitioners *say* that the Laws of New-Jersey, granting exclusive privileges, are unconstitutional ; that the Legislature of New-Jersey had no right to pass such Laws. The only legal opinion which we have seen to sustain these assertions, is that of Mr. Taney, former Attorney-General of the U. S. He does think, and so declares, in his opinion, that the act, creating this monopoly, is unconstitutional, and may be violated with impunity. But his opinion, we conceive, proves too much for those who use it. He also says, that if the Legislature should authorise the construction of another Rail-Road, and thereby violate the contract, and injure the present Companies, that the Delaware and Raritan Canal, and Camden and Amboy Rail-Road Companies will have a just, equitable and legal claim upon New-Jersey for damages, & would recover them. This is the opinion, remember, of the Counsel of these applicants. This is the glorious result which is to follow the passage of those bills now before the Legislature ! New-Jersey, now prosperous and free from debt, is to be forced by her Legislature into a law-suit with a powerful Corporation, and her industrious, enterprising and honest yeomanry, are to be taxed to pay damages ! ! This seems almost beyond endurance ; and yet gentlemen, from New-York and Philadelphia, can *unblushingly* ask the New-Jersey Legislature to do it ! It is perfect madness in them to ask it ! But fortunately for New-Jersey and her citizens, the opinion of Mr. Taney is not the law. This question was considered too important, in a legal point of view, to be the subject of speculation ; and we understand that the opinions of some of the most eminent Lawyers in this country, have been taken, and they all concur that the Law, granting to these Companies the exclusive right as it exists in their Law, is constitutional ; that the Legislature had a perfect right to pass it, and that no subsequent Legislature have power to interfere with it. Such are the opinions of George Wood, Ogden Hoffman and David B. Ogden, of New-York ; of Horace Binney and Charles Chauncey, of Philadelphia ; of Isaac H. Williamson, Samuel L. Southard and Garret D. Wall, of New-Jersey, and others, also, who unite with them. It is treated by these learned jurists, as a compact entered into by a Sovereign State, with a Corporation. And they refer to numerous decisions of the State Courts and of the Supreme Court of the United States, fully sustaining their opinions. Nor is this all—they show several cases (and others could be added if necessary,) in which New-Jersey has created these monopolies—has frequently granted exclusive privi-

leges, and they have never been disturbed, either by legislation, or by the interference of the Judiciary. So much, then, for the legal power of the Legislature to pass the laws.

No. 6.

F This cry of Monopoly, has run mad in New-Jersey; the fears of the timid have been rendered as tribute to the arts, of the designing; but Truth is unerring, and sooner or later will cast her rays in straight lines to the heart. If the question now to be settled, was, should this act granting the Monopoly *now* pass? The writer of these remarks would be found unalterably opposed to it; he believes that Monopolies are opposed to the genius of our republic, and at war with her Free Institutions; he would leave New-Jersey open, free, and accessible to all; he would make her whole border, the bosom of Internal Improvement; he would excavate Canals, and locate Rail-Roads, in every suitable district of the State; he would gladly gather revenue to her Treasury, from all, and grant exclusive rights to none. But that question is settled—the day is past. Let us not be frightened by *names*. If we are in possession of a great public blessing, which is enriching our State, and making her Treasury overflow, shall we, like petulant children, throw away this blessing, because we don't like the *name*?

But is there not some reason to fear, that if the Legislature grant these applications, and pass the Bills in question, that a monopoly *will*, indeed, grow out of it, that may be something more than a name? Such a case is not only possible, but highly probable. It is perfectly natural, that the Trenton and New-Brunswick Turnpike Company, should desire to realize as much as possible, for their depreciated Stock. Suppose, then, the Bill passes which they ask for, and they are authorised, in effect, to carry goods and passengers on their Road,—they have the right (as is contended,) to lay rails, as an incident to their charter. But, whenever they lay rails, of course the present Companies, conceiving it a violation of their rights, will stop them, and have the matter settled in a Court of Law. If they should, however, finally prevail, and construct a Road, it has to contend with a powerful rival, and divide with it, the profits. Now, in the outset of this affair, it would seem to be the dictate of common prudence, that the Turnpike Company should cautiously reflect and diligently inquire, whether they could not secure their Stock, raise it to par value, or even advance it, without risking one dollar! Suppose, at this crisis, the Delaware and Raritan, and Camden and Amboy

Rail-Road Companies should come forward, and hold out to them such inducements and pecuniary advantages, that they should sell the very Law thus obtained, or, in other words, *they should sell to the Canal and Rail-Road Companies, the whole of their Turnpike Stock.* What is to hinder them? Nothing! But in their Bill, they provide that if any bargain or compromise shall be made with the Delaware and Raritan Canal, and Camden and Amboy Rail-Road Companies, then all the powers and privileges conferred by that shall cease. Admirable! What powers and privileges shall cease? *Why the power to carry goods and passengers over the Turnpike Road!* And what will the Canal and Rail-Road Companies care for that? They will buy it as a Turnpike Road—they will keep it as such. *Now mark the result* which will follow as the certain and inevitable consequence of the passage of these Bills. *These consolidated Companies will purchase the Turnpike Stock!* They can well afford to do it. New-Jersey has broken, “the contract,”—has released them from the guarantee—has forfeited all claim upon them for transit duties, and her Treasurer is bound to re-convey the 2000 Shares of Stock. They can, indeed, *well* afford to buy up the Turnpike! Where is the MONOPOLY, then, so much dreaded now? What will be our fears then? *This must be prevented.* The Legislature of New-Jersey must be true to their constituents,—they must not, as they value public opinion, give any such power to these Companies. I am willing to *protect* them in what they have, *according to “the contract;”* but with “the pound of flesh,” they must not have “the drop of blood.”

But while we are true to ourselves, let us not be wanting in strict justice to the Companies. They have too much at stake, to be ruined without a struggle. They would be perfectly justifiable in purchasing out the Turnpike Company, if driven to that necessity, by ruinous, unexpected Legislation. Many persons have embarked large portions of their fortunes in these works. Domestic enterprise and private wealth, have been risked upon the faith of a patriotic State. She has spread upon her unstained record, the solemn assurance, that she would be faithful to her “contract.” Under that assurance, these Companies have invited capital to her soil, and wealth to her border. Her name stands proudly forth as among the foremost in the great cause of Internal improvement; and when, amid the temporary embarrassments of the money market at home, relief was sought from abroad; who bore across the Atlantic, the intelligence that an American State had thrown around these works, *her* mantle of protection? Who but the chivalric and high-

mined President of the Canal Company, that had stepped forward at the dark hour when chill and despair hung o'er that noble enterprise, and was content to "set his (fortune) on the cast, and stand the hazard of the die?" Who but he that may, indeed, call New-Jersey "his native State—the home of his fathers—her bosom their sepulchre"—who has dared the "battle and the breeze" beneath the striped bunting of his native land!—he it was, that *told this pledge* in a foreign land, and upon that pledge, procured from the Bankers of Europe, one million of dollars, to complete, in New-Jersey, the enduring memorials of her glory and renown! Who, then, that loves his State, honors her for what she has been, and anticipates with pride, her future destiny, can endure the thought that her character is to be destroyed, her honor tarnished, her bright renown dimmed, her people heavily taxed, her revenue cut off, her Treasury emptied, and all this to gratify petitioners from Philadelphia and New-York!

If New-Jersey is true to herself, the time is close at hand, when every village and hamlet, each city and borough, farm and cottage, within her border, will be reached and benefited by the rich streams which are to flow from the revenue we derive from these works.—Let names then, not frighten us; let us go on to fill our public coffers, let us gather our tribute from the North and the South, from the East and the West; then may the rich and the poor be filled, and peace and plenty be established throughout all our borders!—Can New-Jersey violate her faith? Is not her high character at stake? Has she not placed her Seal to the Covenant? Is it not registered in her Archives? Is it not impressed upon the hearts of her people?—Then should her irrevocable motto be,

Fiat justitia, ruat coelum!

What would New-Jersey be amidst this vast empire of free States, if recreant to her plighted faith? She is a small State, but a proud one; her History is replete with patriotic actions—and over her fair Fame, who has ever dared to breathe suspicion? Amongst the first to acknowledge the Independence of our loved country, she will be the last to forfeit her own? She has passed through many trying scenes, without dimming one Star, or rending one stripe of the National Banner! And why not go onward, in this proud career!—She has in her Halls of Legislation, wise, discreet, and honorable Representatives. In this her hour of peril, when the door of her Treasury is beset by foes to her prosperity; when the hands of strangers would snatch from us the prize,

and tear from our statute-book; the record it bears, let the Legislators of New-Jersey come to the rescue; let them not disappoint the warm expectations of their constituents; let them remember, that in this great trial, the eyes of JERSEYMEN are upon them, and of them it will be said, in the eloquent language of the Scotch Song--

“He who but falters, is na’e son of thine.”

JERSEY BLUE.

December, 1834.